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13 Attorneys for Defendants

14 UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA  
16

17 CITY OF GRASS VALLEY,  
18 Plaintiff,

19 vs.

20 NEWMONT MINING CORPORATION, a  
21 corporation; NEWMONT USA LIMITED, a  
corporation; NEWMONT NORTH  
22 AMERICAN EXPLORATION LIMITED, a  
corporation; NEW VERDE MINES LLC, a  
23 limited liability company; NEWMONT  
REALTY COMPANY, a corporation,

24 Defendants.  
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CASE NO.: 2:04-CV-0149 DAD

**STIPULATED REQUEST TO WITHDRAW  
DOCUMENTS FILED UNDER SEAL AND  
ORDER THEREON**

Judge: Hon. Dale A. Drozd

WHEREAS, in the Stipulation and Protective Order entered by this Court on February 24, 2005 [Docket No. 152], the Court ordered that upon “the final disposition of this case, the parties shall request that either the documents filed under seal be unsealed or withdrawn from the custody of the Clerk by the filing party”;

WHEREAS, the parties have filed the following documents under seal (hereinafter, “Sealed Documents”):

Document	Dkt #	Date
Notice of Filing Documents Under Seal (with attached Declaration of Deborah S. Bardwick in Support (with Exhibits 1-73)	232	3/23/07
SEALED EVENT (Exhibits HH, II, JJ, KK to Affidavit of Alison J. Thayer)	246	3/26/07
SEALED EVENT (Exhibits 10 and 20 to Affidavit of Alison J. Thayer)	269	4/12/07
SEALED EVENT (Exhibits 1-48)	270	4/12/07
SEALED EVENT (Exhibit C to Declaration of Deborah S. Bardwick in Support of Reply)	285	5/7/07
SEALED EVENT (Exhibits 1-31 to Declaration of D. Bardwick Regarding Opposition to Motion to Dismiss for Lack of Personal Jurisdiction)	311	6/11/07
SEALED EVENT (Declaration of Evan Eickmeyer in Support of Motion for Summary Adjudication on CERCLA Cause of Action) Exs. 1-12	344, 345	9/25/07
SEALED EVENT (Declaration of Evan Eickmeyer (and all exhibits) in Support of Opposition to Motion for Partial Summary Judgment) Exs. 1-5	364	10/10/07

WHEREAS, the parties have settled this matter in its entirety and will be filing a stipulated notice of dismissal with prejudice;

WHEREAS, the parties agree that counsel for Defendants shall take custody of all Sealed Documents filed by either party in this case;

1 IT IS HEREBY STIPULATED by and between all of the parties to this action  
2 through their designated counsel requesting that the Court allow counsel for Defendants to  
3 withdraw the Sealed Documents from the custody of the Clerk.

4 Dated: March 5, 2009

LATHAM & WATKINS LLP

6 By /s/ Michael G. Romey  
Michael G. Romey

8 Attorneys for Defendants NEWMONT  
MINING CORPORATION, NEWMONT USA  
9 LIMITED, NEWMONT NORTH AMERICA  
EXPLORATION LIMITED, NEW VERDE  
10 MINES LLC, and NEWMONT REALTY  
COMPANY

11 Dated: March 5, 2009

MILLER, AXLINE & SAWYER

14 By /s/ Michael Axline  
Michael Axline

15 Attorneys for Plaintiff the CITY OF GRASS  
VALLEY

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18 Pursuant to the stipulation of the parties, the Sealed Documents shall be  
19 withdrawn from the custody of the Clerk by counsel for Defendants.

20 IT IS SO ORDERED.

21 DATED: March 6, 2009.

22 Dale A. Drozd  
23 DALE A. DROZD  
24 UNITED STATES MAGISTRATE JUDGE

25 Ddad1/orders.consent/grassvelley0149.stipord.withdrawdocs  
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